House File 2613 - Introduced

HOUSE FILE BY COMMITTEE ON PUBLIC SAFETY (SUCCESSOR TO HF 2092) Passed House, Date _____ Passed Senate, Date _____ Vote: Ayes ____ Nays ___ Nays ____ Nays ___ Nays __ A BILL FOR 1 An Act relating to the issuance of permits to carry weapons and 2 providing an effective date. 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: 4 TLSB 5285HV 82 5 rh/rj/5PAG LIN Section 1. Section 229.24, subsection 1, Code 2007, is 2 amended to read as follows: 1. All Except as otherwise provided in this section, all 4 papers and records pertaining to any involuntary 5 hospitalization or application for involuntary hospitalization 6 of any person under this chapter, whether part of the 7 permanent record of the court or of a file in the department 1 8 of human services, are subject to inspection only upon an 1 9 order of the court for good cause shown. Nothing in this This 1 10 section shall not prohibit a hospital from complying with the 1 11 requirements of this chapter and of chapter 230 relative to 1 12 financial responsibility for the cost of care and treatment 1 13 provided a patient in that hospital, nor or from properly 1 14 billing any responsible relative or third=party payer for such 1 15 care and treatment. Sec. 2. Section 229.24, Code 2007, is amended by adding 1 17 the following new subsection: NEW SUBSECTION. 4. The clerk of the district court shall 1 18 1 19 provide to the department of public safety notice of all 1 20 adjudications of persons involuntarily committed to a mental 1 21 institution for inpatient or outpatient or other appropriate 1 22 treatment by reason of serious mental impairment under this 23 chapter. Such notice shall only be used by the department to 1 24 submit information to the national instant criminal background 1 25 system maintained by the federal bureau of investigation and 1 26 shall otherwise remain confidential. Sec. 3. Section 724.7, Code 2007, is amended to read as 1 27 1 28 follows: 1 29 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS. 1 30 Any \underline{A} person who can reasonably justify going armed may 1 31 shall be issued a nonprofessional permit to carry weapons. 1 32 Such permits shall be on a form prescribed and published by 33 the commissioner of public safety, which shall be readily 34 distinguishable from the professional permit, and shall 1 35 identify the holder thereof, and state the reason for the 2 1 issuance of the permit, and the limits of the authority 2 2 granted by such permit. All permits so issued shall be for a 2 2 2 3 definite period as established by the issuing officer, but in 4 no event shall exceed a period of twelve months. Sec. 4. Section 724.8, Code 2007, is amended to read as 2 6 follows: 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY WEAPONS. 8 No A person shall not be issued a professional or 9 nonprofessional permit to carry weapons unless: 2 10 1. The person is eighteen years of age or older for a professional permit or twenty=one years or older for a 12 nonprofessional permit. 2. The person has never been convicted of a felony.
3. The person is not addicted to the use of alcohol or any 2 13

2 16 4. The person has no history of repeated acts of violence. 2 17 5. The issuing officer reasonably determines that the

2 18 applicant does not constitute a danger to any person.

2 15 controlled substance.

6. The person has never been convicted of any crime 2 19 2 20 defined in chapter 708, except "assault" as defined in section 2 21 708.1 and "harassment" as defined in section 708.7. The person has not been committed to a mental institution for purposes of 18 U.S.C. } 922 (q)(4). 8. The person is not subject to a protective order pursuant to 18 U.S.C. } 922(g)(8) and has not been convicted of a misdemeanor crime of domestic violence pursuant to 18 2 24 27 U.S.C. } 922(g)(9). It is the intent of the general assembly 28 that violations of these federal laws be strictly enforced in 29 the courts of this state. Sec. 5. Section 724.9, Code 2007, is amended to read as 2 31 follows: 2 32 FIREARM FIREARMS TRAINING PROGRAM. 724.9 2 33 A training program to qualify persons in the safe use of 2 34 firearms shall be provided by the issuing officer of permits, 2 35 as provided in section 724.11. 1. The commissioner of public safety shall establish 2 minimum standards for a training program designed to qualify 3 persons in the safe use of firearms and shall include a course 4 of instruction designed to qualify a person on a firing range. 5 The course of instruction shall be limited to a maximum of six 6 hours in length. The course of instruction shall include all 7 of the following:
8 a. Firearms safety in the classroom, at home, on the firing range, and while carrying the firearm. 3 10 b. A physical demonstration performed by the applicant that demonstrates the applicant's ability to safely load and unload a revolver or a semiautomatic pistol and the 13 applicant's marksmanship. c. The basic principles of marksmanship.d. The law relating to firearms pursuant to this chapter. 3 15 e. The law relating to the justifiable use of force 3 16 pursuant to chapter 704.

f. A live fire shooting test administered to an applicant 3 18 19 pursuant to section 724.9A. 3 20 2. The commissioner of public safety shall approve the 3 21 training program, and the county sheriff or the commissioner 3 22 of public safety conducting the training program within their 3 23 respective jurisdictions may contract with a private 3 24 organization or use the services of other agencies, or may use 3 25 a combination of the two, to provide such a training program 26 that meets the standards specified in subsection 1. Any 27 person eligible to be issued a permit to carry weapons may 3 28 enroll in such course. A fee sufficient to cover the cost of 3 29 the program may be charged to each person attending. 3 30 Certificates of completion, on a form prescribed and published 31 by the commissioner of public safety, shall be issued by a 32 qualified firearms safety instructor subject to the $\frac{33 \text{ restrictions of section } 724.9B}{8000}$ to each person who successfully $\frac{34 \text{ completes the program.}}{8000}$ Person shall $\frac{10000}{1000}$ be issued either 3 3 35 a professional or nonprofessional permit unless the person has 1 received a certificate of completion or is a certified peace 4 2 officer. No A peace officer or correctional officer, except a 3 certified peace officer, shall <u>not</u> go armed with a pistol or 4 revolver unless the officer has received a certificate of 4 5 completion, provided that this requirement shall not apply to 6 persons who are employed in this state as peace officers on 7 January 1, 1978 until July 1, 1978, or to peace officers of 4 8 other jurisdictions exercising their legal duties within this 4 9 state. 4 10 NEW SECTION. 724.9A LIVE FIRE SHOOTING TEST. Sec. 6. 1. A live fire shooting test shall be administered in the 4 12 presence of a firearms safety instructor qualified under 4 13 section 724.9C to an applicant for a nonprofessional permit to 4 14 carry weapons. The live fire shooting test shall consist of 4 15 thirty rounds fired from a standing position or its equivalent 4 16 at a distance from a B=27 silhouette target or an FBI "Q" 4 17 target, ten rounds fired from a distance of five yards, ten 4 18 rounds fired from a distance of seven yards, and ten rounds 4 19 fired from a distance of ten yards. Two sets of five rounds 4 20 shall be fired consecutively at each designated distance and 4 21 each five=round string shall be fired within thirty seconds. 22 Twenty=one of the rounds fired must strike either the 4 23 eight=ring on the B=27 target or the smallest FBI "Q" target 4 24 to pass the live fire shooting test. 4 25 2. An applicant for a nonprofessional permit to carry

4 26 weapons may attempt to pass the live fire shooting test 4 27 administered pursuant to subsection 1 up to three times in one 4 28 day but must pass the shooting test within two weeks of 4 29 completing a firearms training program pursuant to section

An applicant who fails the live fire shooting test 4 31 within the requisite two=week period shall be required to 4 32 retake the firearms training program prior to again attempting 33 to pass the live fire shooting test.

3. The provisions of this section shall be implemented 35 uniformly throughout the state and shall constitute the 1 statewide standard for the course of instruction qualifying a person to shoot on a firing range pursuant to section 724.9. NEW SECTION. 724.9B CERTIFICATE OF COMPLETION. Sec. 7.

A qualified firearms safety instructor shall not issue a certificate of completion to an applicant for a permit to 6

carry weapons who does any of the following:

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1. Fails to demonstrate the requisite knowledge and

- technique regarding the proper handling of a firearm.
 2. Handles a firearm in a manner that, in the judgment of 10 the qualified firearms safety instructor, poses a danger to 11 the applicant or others.
- 3. Fails the live fire shooting test pursuant to the 5 13 requirements specified in section 724.9A.

Sec. 8. <u>NEW SECTION</u>. 724.9C QUALIFIED FIREARMS SAFETY 15 INSTRUCTOR.

A firearms safety instructor shall be considered to be a 5 17 qualified firearms safety instructor if the instructor has any 5 18 of the following qualifications:

Is a valid firearms safety instructor certified by the 5 20 national rifle association holding a rating as a personal 21 protection instructor or pistol marksmanship instructor.

- 5 22 2. Submits a photocopy of a certificate of completion of a 5 23 firearms safety instructor course offered by a local, state, 5 24 or federal governmental agency and approved by the department 25 of public safety.
 - 3. Submits a photocopy of a certificate of completion of a 27 firearms safety instructor course approved by the department 28 of public safety.
 - 4. Has successfully completed a firearms safety instructor 2.9 30 course given by or under the supervision of any state, county, 31 municipal, or federal enforcement agency.
- Is a certified police officer firearms safety 5 33 instructor.
 - 6. Is a certified law enforcement academy firearms safety 35 instructor.
 - Sec. 9. Section 724.11, Code 2007, is amended to read as follows:

ISSUANCE OF PERMIT TO CARRY WEAPONS. 724.11

- Applications for permits to carry weapons shall be made 5 to the sheriff of the county in which the applicant resides. 6 Applications from persons who are nonresidents of the state, 7 or whose need to go armed arises out of employment by the 8 state, shall be made to the commissioner of public safety. 9 either case, the issuance of the permit shall be by and at the 10 discretion of the sheriff or commissioner, who shall, before 6 11 issuing the permit, determine that the requirements of 6 12 sections 724.6 to 724.10 have been satisfied. However, the 6 13 training program requirements in section 724.9 may shall be 14 waived for renewal permits. <u>If the sheriff or the</u> 15 commissioner restricts or denies an application for
- 6 16 under this section, the sheriff or commissioner shall provide 6 17 a written statement of the reasons for the restriction or the 6 18 denial to the applicant by certified mail within fifteen 6 19 working days of the filing of the application.
- The issuing officer shall collect a fee of ten dollars, 6 20 6 21 except from a duly appointed peace officer or correctional 6 22 officer, for each permit issued. Renewal permits or duplicate 6 23 permits shall be issued for a fee of five dollars. The 24 issuing officer shall notify the commissioner of public safety 6 25 of the issuance of any permit at least monthly and forward to 6 26 the commissioner an amount equal to two dollars for each 27 permit issued and one dollar for each renewal or duplicate 28 permit issued. All such fees received by the commissioner 6 29 shall be paid to the treasurer of state and deposited in the 30 operating account of the department of public safety to offset 31 the cost of administering this chapter. Any unspent balance 6 32 as of June 30 of each year shall revert to the general fund as 33 provided by section 8.33.

Sec. 10. NEW SECTION. 724.11A RECIPROCITY.

6 A person possessing a valid permit issued by another state 6 35 1 to carry a weapon shall be entitled to the privileges and 2 subject to the restrictions prescribed in this chapter 3 provided the state that issued the license has training 4 requirements that are equal to or greater than the training 5 requirements prescribed by this chapter. The department of

6 public safety shall determine which states qualify as 7 reciprocal states, shall maintain an up=to=date list of such 8 states, and shall post such information on the department's internet site.

Sec. 11. NEW SECTION. 724.14 IMMUNITY.

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The sheriff or the commissioner of public safety shall not 12 be liable for damages in any civil action arising from the 13 alleged wrongful issuance, renewal, or failure to revoke a 7 14 permit to carry weapons provided that the sheriff or the 15 commissioner acted reasonably and in good faith and in 7 16 accordance with the provisions of this chapter in carrying out 7 17 the sheriff's or the commissioner's official duties.

Sec. 12. EFFECTIVE DATE. The sections of this Act 19 amending section 229.24 take effect January 1, 2009.

EXPLANATION

This bill relates to the issuance of weapons permits. The bill provides that a person who is at least 21 and who 23 meets additional requirements specified in Code section 724.8 24 shall be issued a nonprofessional permit to carry weapons. 25 The bill provides that persons who have been committed to a 26 mental institution under federal law or persons who are 7 27 subject to protective orders or who have been convicted of a 28 misdemeanor crime of domestic violence under federal law are 29 all ineligible for a permit to carry weapons.
30 The bill amends current law relating to a firearms training

31 program. The bill requires the commissioner of public safety 32 to establish minimum firearms safety standards. The bill 33 specifies that the commissioner shall establish certain 34 training standards relating to the qualifications of persons 35 in the safe use of firearms. The bill further provides a 1 statewide standard designed to qualify an applicant for a 2 nonprofessional permit to carry weapons to shoot on a firing 3 range.

The bill provides that a qualified firearms safety 5 instructor shall issue a certificate of completion to a person 6 who successfully completes the training program, including the 7 completion of the requirements relating to live fire 8 ammunition testing on a firing range. The bill specifically 9 provides that a person who does not follow the orders of the 8 10 qualified firearms safety instructor, handles a firearm in a 8 11 manner that poses a danger to the applicant or others, or who 8 12 fails to pass the live fire testing portion of the training 8 13 program shall not be issued a certificate of completion. An 8 14 applicant for a permit to carry weapons shall not be issued a 8 15 permit to carry weapons unless the applicant has received a 8 16 certificate of completion or is a certified peace officer.

The bill defines a qualified firearms safety instructor as 8 18 a person who meets any of the following qualifications:

- 1. Is a valid firearms safety instructor certified by the 8 20 national rifle association holding a rating as a personal 8 21 protection instructor or pistol marksmanship instructor.
- 8 22 2. Submits a photocopy of a certificate of completion of a 8 23 firearms safety instructor course offered by a local, state, 8 24 or federal governmental agency and approved by the department 25 of public safety.
- 3. Submits a photocopy of a certificate of completion of a 8 27 firearms safety instructor course approved by the department 8 28 of public safety.
- 4. Has successfully completed a firearms safety instructor 8 30 course given by or under the supervision of any state, county, 8 31 municipal, or federal enforcement agency.
- 5. Is a certified police officer firearms safety 8 33 instructor.
 - 6. Is a certified law enforcement academy firearms safety 35 instructor.

The bill provides that if the sheriff or commissioner 2 restricts or denies an application for a concealed weapons 3 permit, the sheriff or commissioner shall provide a written 4 statement of the reasons for the restriction or denial. 5 bill increases the portion of the fee the issuing officer 6 sends to the commissioner of public safety from \$2 to \$5 for each permit issued and from \$1 to \$2 for each renewal or 8 duplicate permit issued.

9 The bill provides that a person possessing a valid 10 out=of=state permit to carry a weapon shall be entitled to the 11 privileges and subject to the restrictions prescribed provided 12 the state that issued the license has training requirements 13 that are equal to or greater than the training requirements 14 prescribed by Code chapter 724. The department of public 15 safety is required to determine which states qualify as 9 16 reciprocal states, maintain an up=to=date list of such states,

9 17 and post such information on the department's internet site. The bill provides that the sheriff or the commissioner of 9 19 public safety shall not be liable for damages in any civil 9 20 action arising from the alleged wrongful issuance, renewal, 9 21 failure to revoke a permit to carry weapons provided that the 9 22 sheriff or the commissioner acted reasonably and in good faith 9 23 and in accordance with provisions of Code chapter 724 in 9 24 carrying out the sheriff's or the commissioner's official 9 25 duties.

9 26 9 27 The bill requires the clerk of the district court to 9 27 provide to the department of public safety notice of all 9 28 adjudications of persons involuntarily committed to a mental 9 29 institution for inpatient or outpatient or other appropriate 30 treatment by reasons of serious mental impairment under Code 31 chapter 229. This notice shall only be used by the department 9 31 chapter 229. This notice shall only be used by the department 9 32 of public safety to submit information to the national instant 33 criminal background system maintained by the federal bureau of 34 investigation and shall otherwise remain confidential. 9 35 provision of the bill takes effect January 1, 2009. 1 LSB 5285HV 82

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